



ALCOHOLIC BEVERAGES – GAMBLING OPERATOR COMBINED ON-PREMISES LICENSE APPLICATION

For the purposes of this application, **Gambling Control Division** is referred to as **GCD**
and **Liquor Control Division** is referred to as **LCD**.

Apply online!

<https://revenue.mt.gov/apply-electronically>

FOR ADDITIONAL ASSISTANCE, PLEASE SEE THE GUIDE AT THE END OF THIS APPLICATION

Our websites:

www.dojmt.gov/gaming

www.revenue.mt.gov/home/liquor

ALCOHOLIC BEVERAGES – GAMBLING OPERATOR COMBINED ON-PREMISES LICENSE APPLICATION			FOR OFFICE USE ONLY:		FORM 5																																	
<h2 style="text-align: center;">Section I</h2>			Gambling License No: _____ Liquor License No: _____ Check Number: _____ Gambling Fee Paid: \$ _____ Liquor Fee Paid: \$ _____ Fingerprint Fee Paid: \$ _____																																			
			PURPOSE AND FEES <i>Please check all appropriate sections below:</i>																																			
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Based on the actual cost incurred by the GCD in processing the license, GCD will refund any overpayment of the fee or collect an amount sufficient to reimburse GCD for any underpayment of actual costs. GCD will provide the applicant an itemized accounting of expenses.		Questions? Please see the Form 5 Guide or contact the GCD at (406) 444-1971																																				
STAPLE PAYMENT HERE Payable to: GAMBLING CONTROL DIVISION <i>This application may be completed online by visiting</i> https://revenue.mt.gov/apply-electronically		Mail application to: Department of Justice Gambling Control Division 2550 Prospect Avenue PO Box 201424 Helena MT 59620-1424																																				

Section II

GENERAL INFORMATION

Name of Entity or
Person Applying _____
(Sole Proprietor/Partnerships/Corp/LLC/LLP e.g. Swanny's Bar LLC)

Business Name _____

Physical Address of
Premises to be
Licensed _____
Street, Suite No City Zip

Mailing
Address _____
Street, Suite No City State Zip

Business
Phone _____ Cell
Phone _____

Fax _____ Email _____

FEIN _____
☐ N/A (if sole proprietor who will not require hired
staff) ☐ Check this box if you wish to receive annual
renewals electronically

Liquor License Number (write "NEW" if new license application) _____

ATTORNEY INFORMATION

- ☐ Check this box and complete below information if you wish to have all correspondence sent to the attorney who submitted this application on your behalf

Attorney Name _____ Business Phone _____

Mailing
Address _____
Street, Suite No City State Zip

Email Address _____

The premises for licensing is located within:

- ☐ the boundaries of an incorporated city/town
☐ a distance of five miles of an incorporated city/town
☐ an unincorporated city/town or outside the boundaries of, and more than five miles distance from any city/town whether incorporated or unincorporated

City of _____ County of _____

Section III

OWNERSHIP & MANAGEMENT INFORMATION

The applicant is a: (See information checklist for documents required for each ownership type)

Ownership Type:

- ☐ Individual(s)/Sole Proprietor(s)
- ☐ General Partnership
- ☐ Limited Partnership
- ☐ Limited Liability Company
- ☐ Limited Liability Partnership
- ☐ Charitable or Non-Profit Organization qualified under 26 U.S.C. 501(c)(3), (c)(4), (c)(8) or (c)(9)
- ☐ Retirement home or nursing home (Gambling Only)
- ☐ C Corporation
- ☐ Subchapter S Corporation
- ☐ Publicly Held Corporation

**Are any individuals and/or partners
Joint Tenants with Rights of Survivorship (JTROS)?**

☐ No ☐ Yes

List all owners, partners, members, officers and/or directors of entity applying. Please include SSN for individuals and FEIN for entities. Each individual listed below must submit two completed fingerprint cards, personal/criminal history statements and fees. Use additional sheet of paper if necessary. For applicants that use a multiple entity structure, attach a diagram showing all entities and individuals.

Name (First, MI, Last) _____ Title _____
DOB _____ SSN or FEIN _____ Number of Shares _____
Address _____ Percentage of Ownership _____ %

Name (First, MI, Last) _____ Title _____
DOB _____ SSN or FEIN _____ Number of Shares _____
Address _____ Percentage of Ownership _____ %

Name (First, MI, Last) _____ Title _____
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Management Type:

☐ Entity ☐ Individual ☐ Owner managed ☐ Not known at this time

Provide the following information for each management employee. If applying as an entity, include the manager of the day-to-day operation for the business. Attach management agreement if applicable. Each individual listed below must submit two completed fingerprint cards, personal/criminal history statements and fees.

☐ Gambling ☐ Alcoholic Beverages ☐ Both ☐ N/A

Name (First, MI, Last) _____ DOB _____ SSN/FEIN _____
Address _____ Salary _____

☐ Gambling ☐ Alcoholic Beverages ☐ Both ☐ N/A

Name (First, MI, Last) _____ DOB _____ SSN/FEIN _____
Address _____ Salary _____

Section IV

A – FINANCIAL & OWNERSHIP INFORMATION

(Use additional paper if necessary)

1. Do any listed owners have a financial or ownership interest in any other gambling or alcoholic beverages license?

☐ No ☐ Yes *(If yes, identify below)*

Individual's Name _____ Business Name _____

Address _____ ☐ Alcohol ☐ Gambling

Individual's Name _____ Business Name _____

Address _____ ☐ Alcohol ☐ Gambling

2. Do any listed owners, through a business or family relationship, share in the profits or liabilities of any other gambling or alcoholic beverages license?

☐ No ☐ Yes *(If yes, identify below)*

Individual's Name _____ Business Name _____

Address _____ ☐ Alcohol ☐ Gambling

Individual's Name _____ Business Name _____

Address _____ ☐ Alcohol ☐ Gambling

3. Do any listed owners have a financial or ownership interest in an agency liquor store?

☐ No ☐ Yes *(If yes, identify below)*

Individual's Name _____ Business Name _____

Address _____

Individual's Name _____ Business Name _____

Address _____

4. Do any listed owners or their immediate family (spouse, dependent children or dependent parents) have any affiliation to a manufacturer, importer, bottler or distributor of alcoholic beverages?

☐ No ☐ Yes *(If yes, identify below)*

Individual's Name _____ Business Name _____

Address _____

Individual's Name _____ Business Name _____

Address _____

5. Do any persons or entities not listed as owners have an ownership interest in, derive income from or have liabilities associated with the business proposed for licensing?

☐ No ☐ Yes (If yes, identify below)

Individual's Name _____ Business Name _____

Address _____

Association _____

6. Has any listed owner ever been denied a gambling or alcoholic beverages license? (If yes, describe the basis for the denial on an additional sheet of paper.)

☐ No ☐ Yes

7. Has any listed owner ever been issued a gambling or alcoholic beverages license by any other agency, state, nation or jurisdiction? If so, was that license ever subject to adverse action by the issuing authority? (If yes, describe the nature of the action and its ultimate disposition on an additional sheet of paper.)

☐ No ☐ Yes

Individual(s) Name _____ Date _____

Type of License _____ License Number _____

State _____ City _____ County _____ Country _____

8. Provide the following information for all of the applicant's operating, investment or any other business account(s), (i.e., saving and checking accounts).

Institution Name _____ Phone _____

Account Number _____ Address _____

Signatory(s) _____

Institution Name _____ Phone _____

Account Number _____ Address _____

Signatory(s) _____

Institution Name _____ Phone _____

Account Number _____ Address _____

Signatory(s) _____

9. Complete the following:

☐ N/A (check here if no transaction/purchase prices)

a. Purchase price of real property \$ _____

b. Purchase price of personal property \$ _____

c. Purchase price of liquor license \$ _____

d. Total purchase price \$ _____

i. Earnest money deposit/down payment \$ _____

ii. Total amount paid at closing \$ _____

iii. Balance due in contractual payments \$ _____

10. Provide the following information for each outstanding loan and/or financial obligation (institutional or non-institutional lender [NIL]) obtained or used for the purpose of operating/purchasing this business. Send signed copies of all loans/agreements/contracts/notes/letter of commitment and all related security agreements, guarantees and trust indentures. **Note: NIL (Form 13) must be filed with the application if any lenders are an individual or entity who are not a state or federally regulated financial institution. NIL is also required if financing is a gift. All non-institutional lenders must complete a Personal/Criminal History Statement (Form 10). Two (2) fingerprint cards and fees must be submitted for each individual providing financing. Use additional paper if necessary.**

☐ N/A (check if not applicable)

Creditor's Name _____ Date Acquired _____ Date Due _____

Creditor's Address _____

Loan Amount _____ Loan Number (if applicable) _____

Creditor's Name _____ Date Acquired _____ Date Due _____

Creditor's Address _____

Loan Amount _____ Loan Number (if applicable) _____

Creditor's Name _____ Date Acquired _____ Date Due _____

Creditor's Address _____

Loan Amount _____ Loan Number (if applicable) _____

11. List additional sources of funding, if applicable (include documentation such as six months of bank/investment account statements for verification):

Source _____ \$ _____

Source _____ \$ _____

Source _____ \$ _____

12. Has the applicant filed a state and/or federal income tax return for the business?

☐ No ☐ Yes (If yes, submit a signed copy of most recent filed state and federal income tax returns)

13. Attach a copy of the applicant's most recent financial statements reflecting the business operation for which the application is being submitted. If the business is prospective or has been operating for less than one year, a balance sheet and an income statement must be estimated. **Failure to supply adequate financial information will result in delay, denial or return of this application.** You must include the following:

- a. Balance Sheet listing all assets, liabilities and owner equity in business
- b. Income Statement listing amounts and types of income and expenses for the business

14. Are there any persons or business entities that have an option to purchase any share of the business or property?

☐ No ☐ Yes (If yes, complete the following and submit a copy of the agreement)

Seller _____ Purchaser _____

Seller _____ Purchaser _____

Seller _____ Purchaser _____

15. Has any listed owner ever filed for bankruptcy?

☐ No ☐ Yes (If yes, explain current status) _____

Section IV

B – BUILDING/POSSESSORY INFORMATION

Does the applicant own the building proposed for licensing?

- ☐ No (If no, provide a current or proposed lease, rental or current or proposed purchase agreement showing the applicant has authority to operate in this location, including any other associated or related document. **Note: A retailer is precluded from leasing property from a manufacturer or wholesaler of alcoholic beverages**)
- ☐ Yes (If yes, provide evidence of ownership i.e. tax statement or deed and any other associated documents)

Name all persons or entities listed on:

1. Lease Contracts ☐ N/A ☐ Sub-lease

GCD will not approve a lease that provides for payment of a percentage of business revenue to any Lessor, except for a video gambling machine location agreement between a route operator and an operator.

LCD will not approve a lease that provides for payment of a percentage of alcohol revenue to any Lessor.

Lessor _____

Lessee _____

Sub-lessor _____

Sub-lessee _____

2. Do you have a Franchise Agreement?

☐ No ☐ Yes (If yes, provide a copy)

GCD will not approve a franchise agreement which provides for payment of a percentage of business revenue.

LCD will not approve a franchise agreement which provides for payment of a percentage of liquor revenue to any Franchisor.

Franchisor _____

Franchisee _____

3. Purchase Agreements ☐ N/A

(Submit copies of all purchase documents and related guarantees, mortgages, security agreements or escrow agreements associated with the business proposed for licensing, and all bills of sale, deeds or other documents reflecting title transfer of assets purchased)

Seller _____

Purchaser _____

Terms _____

Seller _____

Purchaser _____

Terms _____

Section IV

C – LICENSED BUSINESS ASSET OWNERSHIP

Does any person or entity other than the applicant own any assets associated with the licensed operation?

Note: Ownership of an asset utilized in the licensed business by any person or entity other than the applicant requires a copy of a written lease and identification of the lease relationship in Section IV, Subsection B.

☐ No ☐ Yes (If yes, complete the following)

Assets Owned _____ Owner's Name _____

Owner's Address _____

1. Check all Gambling Activities that you plan to offer on the premises once licensed. ☐ N/A

Disclaimer: You must obtain applicable permits prior to offering the activities.

☐ Video Gambling Machines

☐ Location Owned

☐ Route Owned/Name of Route Operator (if known) _____

☐ To Be Determined

☐ Live Keno

☐ Live Bingo

☐ Live Card Tables

2. Record Keeping

- a. Who maintains the applicant's financial business records?

Name _____ Phone _____

- b. Address _____

- c. Who prepares the tax returns, government forms and reports for the applicant?

Name _____ Phone _____

- d. Address _____

Where are the financial books and records for the applicant's business kept?

Address _____ Phone _____

3. Are there any unsatisfied civil judgments against the applicant or any persons or entities listed as owners at this time?

☐ No ☐ Yes (If yes, please explain) _____

4. Has the applicant or any persons or entities listed as owners ever been a party to a lawsuit, either as a plaintiff or defendant? If so, provide a detail of each.

☐ No ☐ Yes (If yes, please explain) _____

Section V

PREMISES INFORMATION

A. Does the applicant's premises:

1. ☐ No ☐ Yes Have permanently installed walls extending from floor to ceiling?
2. ☐ No ☐ Yes Have a unique, clearly defined address that is not shared with another business (i.e., suite or unit designated)
3. ☐ No ☐ Yes Have another business operating out of the same premises?
(If yes, name of the business) _____
4. ☐ No ☐ Yes Have a public external entrance that is shared with another premises for which a gambling operator license has been issued?
(If yes, name of business): _____
5. ☐ No ☐ Yes Share a common internal wall with another premises to which a gambling operator license has been issued? If yes, explain and submit copy of the floor plan and also name of operator's/owners: _____
6. ☐ No ☐ Yes Have a bar and at least twelve (12) seats at the bar, tables or booths independent of gambling machines?

B. Describe where the premises is located:

1. ☐ No ☐ Yes Are the entrance doors of the premises proposed for licensing on the same street as, and within 600 feet of, the entrance doors of a building occupied exclusively as a church, synagogue or other place of worship or school? (except a commercially operated or post-secondary school)
2. ☐ No ☐ Yes Is the premises located within 150 feet of another premises licensed for on-premises alcoholic beverage consumption? (as defined in 23-5-629 MCA)

IF YES, COMPLETE 3-11

ONLY COMPLETE IF GAMBLING WILL BE AT LOCATION

- Name of second location: _____
3. ☐ No ☐ Yes Does the second premises already have a permit for placement of video gambling machines?
4. ☐ No ☐ Yes Is there a structural walkway between the two premises?
5. ☐ No ☐ Yes Is the second premises licensee affiliated with the applicant? (If yes, please explain) _____
6. ☐ No ☐ Yes Is there an immediate family member related to the applicant within the ownership structure of the second premises licensee?
7. ☐ No ☐ Yes Do the two licensed premises share any common management personnel?
8. ☐ No ☐ Yes Would the applicant be considered a parent or subsidiary business entity to the second licensee?
9. ☐ No ☐ Yes Does any person or entity within the ownership structure of the applicant share a commonality of business interest with any other person or entity within the ownership structure of the second licensee?
10. ☐ No ☐ Yes Are there any contractual agreements or financing agreements between the applicant and the second licensee?
11. ☐ No ☐ Yes Are there any investors common to the applicant and the second licensee?

C. Is the premises within any of the following defined zones where:

1. ☐ No ☐ Yes Sale of alcoholic beverages is restricted by city or county zoning ordinance?
2. ☐ No ☐ Yes Gambling is restricted by city or county zoning ordinance?

D. Is the premises:

1. ☐ No ☐ Yes Ready for use
2. ☐ No ☐ Yes Newly constructed premises? (If yes, indicate an estimated date of completion) _____
3. ☐ No ☐ Yes Remodel of an existing premises? (If yes, indicate an estimated date of completion) _____
4. ☐ No ☐ Yes Operated under a concession agreement? (If yes, attach a copy of the concession agreement.

Note: ARM 42.12.133 requires certain signage for a premises operated under a concession agreement)

PREMISES INFORMATION (CONTINUED)

- E. On an 8½" x 11" sheet of paper, submit a floor plan showing the area to be licensed, using approximate dimensional measurements, including external dimensions and general layout. This floor plan must contain the name of the establishment, physical address and the alcoholic beverages license number (if applicable) and number of tables and chairs indicated. All alcohol storage areas and service areas should be labeled. Floor plan must indicate seating for at least 12 at a bar, table or booth independent of gambling machines. If you are applying for a restaurant beer/wine license, be sure the floor plan has the service bar area clearly designated as well as the kitchen and dining room labeled. If a patio is present, label it as well and include the height of the wall around the patio.
-

Section VI

ALCOHOLIC BEVERAGES LICENSE INFORMATION

A. Restaurant Beer/Wine

☐ N/A *Does not pertain to the license I am applying for*

1. ☐ No ☐ Yes Do you agree to serve beer/wine only between the hours of 11:00 am and 11:00 pm?
2. ☐ No ☐ Yes Do you understand that beer or wine may not be sold for off-premises consumption?
3. ☐ No ☐ Yes Do you understand that gambling may not be conducted on the licensed premises?
4. ☐ No ☐ Yes Do you agree to maintain a service bar where alcoholic beverages are stored and prepared for table service delivery to patrons for on-premises consumption?
5. ☐ No ☐ Yes Do you understand that consumption of alcoholic beverages is not permitted at the service bar?
6. ☐ No ☐ Yes Do you agree to only serve beer and wine to patrons who order food?
7. ☐ No ☐ Yes Do you agree to ring up beer and wine sales separately from all other sales on each patron's bill?
8. ☐ No ☐ Yes Do you agree that the majority of the food you serve, excluding any carry-out business, will not be sold in throw-away containers not reused in the restaurant?
9. ☐ No ☐ Yes Do you agree to serve an evening dinner meal at least four days a week for at least two hours a day between the hours of 5:00 pm and 11:00 pm?
10. ☐ No ☐ Yes Do you agree that at least 65% of the restaurant's annual gross income will result from the sale of food?

B. Wine Amendment for On-Premises Beer License

☐ N/A *Does not pertain to the license I am applying for*

1. ☐ No ☐ Yes Do you operate a restaurant or prepared food business? "Prepared-food business" means a restaurant, except the food need not be prepared on-site. *(If yes, explain and attach a menu.)*
2. ☐ No ☐ Yes Do you have a minimum of 12 seats at the bar, tables and/or booths? **Note: this does not include gambling machines.**

C. Catering Endorsement

☐ N/A *Does not pertain to the license I am applying for*

☐ N/A *This license has an existing catering endorsement*

1. ☐ No ☐ Yes Do you wish to add a catering endorsement to the All-Alcoholic Beverages License?
2. ☐ No ☐ Yes Do you wish to add a catering endorsement to a Beer/Wine license? *(In order to receive catering endorsement, your business must be primarily engaged in providing meals and table service.)*

Section VII

ALCOHOLIC BEVERAGES TEMPORARY OPERATING AUTHORITY

The Montana Department of Revenue, Liquor Control Division, may grant temporary operating authority to an applicant who requests a transfer of ownership. Temporary operating authority cannot be granted for the transfer of location of a license or for the issuance of a new license. ***Please note that if temporary operating authority is granted for the alcoholic beverages license before a gambling license application is approved, all current gambling activities at the business must cease until a gambling license application is approved by the Department of Justice.***

I would like to have alcoholic beverages temporary operating authority issued:

☐ No ☐ Yes

Alcoholic beverages license number _____

To Be Completed By Applicant

The undersigned applicant requests authority to operate pending final approval of the license transfer. The undersigned agrees that during the period of temporary operating authority, the applicant shall be responsible to pay for all alcoholic beverages for the business and must comply with Montana Alcoholic Beverages Code and all department rules. Temporary operating authority will be immediately revoked if the applicant or any employees violate any provision of the Montana Alcoholic Beverages Code or the department's rules.

Signature of Applicant

Date

Printed Name

I would like temporary operating authority issued on _____
Date

To Be Completed By Recorded Owner/Current Licensee

I authorize temporary operating authority to be granted to the applicant by the department, pending final approval of this application. I understand the applicant may not operate the business until temporary operating authority has been granted. I understand ARM 42.12.208 states in part, ***"Any proposed fine, suspension or revocation arising out of a violation will be assessed against, and is the responsibility of, the recorded owner of the license."***

Signature of Recorded Owner/Current Licensee

Date

Printed Name

Section VIII

DECLARATION AND AUTHORIZATION

I, _____, declare under the penalty of false swearing that I am the applicant or duly authorized representative of the entity making this application and that I have examined the application, including any accompanying information, and that the responses provided herein are true, correct and complete. I understand if this application or attachment(s) contains false information, I am subject to the criminal penalties of Montana Code Annotated 45-7-202, 45-7-203 and 45-7-208, and/or revocation of any alcoholic beverages or gambling licenses granted pursuant to this application.

I further authorize a full review, disclosure and release to any duly authorized officer, agent or employee of the Montana Department of Justice, Gambling Control Division, of any and all records concerning me that the Montana Department of Justice properly determines relate to my qualifications for gambling and/or liquor licensure, whether the records are of a public, private, or confidential nature.

Signature _____

Print Full Name _____

Title/Position _____

Date _____

This application must be completed in full, and all requested attachments must accompany it.
Delay, denial or the return of the application will result if incomplete.

**Additional information may be required
during the review of your license application.**

Section IX

CHECKLISTS

Please submit the documentation required for your entity type.

Failure to provide all applicable documentation will delay the processing of this application.

NOTE: For applicants that use a multiple entity structure, attach a diagram showing all entities and individuals.

Partnership Agreement:

- ☐ Federal Employer Identification Number verification from the IRS
- ☐ For newly formed partnerships, attach a copy of the application/certificate for registration of the partnership filed with the Secretary of State
- ☐ For existing partnerships, attach a copy of the renewal of partnership filed with the Secretary of State in the Partnership name
- ☐ Verification of the Assumed Business Name as filed with the Secretary of State
- ☐ Personal/Criminal History statement(s) for each individual involved in the ownership of the license
- ☐ Two fingerprint cards and fees for each person (including officers and directors) involved in the ownership of the license
- ☐ Liquor authorization form to disclose tax information for each entity and its members, shareholders or partners with 10% or more ownership

Limited Liability Company:

- ☐ Federal Employer Identification Number verification from the IRS
- ☐ Articles of Organization
- ☐ Organization Minutes
- ☐ Certificate of Fact or Certificate of Existence
- ☐ Verification of the Assumed Business Name as filed with the Secretary of State
- ☐ Other member agreements
- ☐ Personal/Criminal History statement(s) for each individual involved in the ownership of the license
- ☐ Two fingerprint cards and fees for each person (including officers and directors) involved in the ownership of the license
- ☐ Liquor authorization form to disclose tax information for each entity and its members, shareholders or partners with 10% or more ownership

Corporation:

- ☐ Federal Employer Identification Number verification from the IRS
- ☐ Articles of Incorporation and Amendments or Addendums thereto
- ☐ Bylaws and amendments or addendums thereto
- ☐ Certificate of Incorporation
- ☐ Certificate of Existence (for Montana corporations)
- ☐ Authority to do Business in Montana (for out-of-state corporations)
- ☐ Corporate Minutes and attachments
- ☐ Share issuance records
- ☐ Share Certificates
- ☐ Stock Ledger or Register
- ☐ Verification of Assumed Business Name as filed with the Secretary of State
- ☐ Personal/Criminal History statement(s) for each individual involved in the ownership of the license
- ☐ Two fingerprint cards and fees for each person (including officers and directors) involved in the ownership of the license
- ☐ Liquor authorization form to disclose tax information for each entity and its members, shareholders or partners with 10% or more ownership

Charitable/Nonprofit 26 USC. 501 Status:

- ☐ Attach a copy of the IRS letter of Nonprofit designation
- ☐ Federal Employer Identification Number verification from the IRS
- ☐ Personal History/Criminal History statement(s) for each individual involved in the ownership of the license
- ☐ Two fingerprint cards and fees for each person (*including officers and directors*) involved in the ownership of the license

Management Information Checklist:

Employment, Management and Other Agreement(s) and Contract(s). If you are applying as other than a sole proprietor (*i.e., Corp, LLC, Partnership, LLP, and the officers/directors/members/partners are the managers*), duties must be covered in the organization minutes or provide a management agreement.

- ☐ Personal/Criminal History Statement(s) on all management personnel
- ☐ Two fingerprint cards and fees for each manager

Financial Information Checklist:

- ☐ Send signed copies of all loan agreements, contracts, notes and all related security agreements, guarantees and trust indentures. **Note: NIL form must be filed with the application if any lenders or other sources of financing are not state or federally regulated financial institutions, including gifting statements**
- ☐ Lease, rent, purchase option and financing agreements or other evidence of ownership of the real property (*must provide documentation of any possessory interest in property where the business is operating*). Provide any other documentation to verify source of funding for purchase of the real property, if applicable, including terms.
- ☐ Franchise agreements
- ☐ Financial statement(s) (*i.e., balance sheet and income statement or tax return for the business*)
- ☐ Submit copies of all purchase documents and related guarantees, mortgages, or security agreements associated with the business proposed for licensing, all bills of sale, deeds or other documents reflecting title transfer of assets purchased
- ☐ Purchase agreement for the liquor license including compensation, terms, the appropriate parties as buyer and seller and the license listed by number. Provide copies of all documentation to verify source of funding for purchase of the liquor license (*e.g. 6 months of bank/investment account statements*). **Note: No assignments are allowed**
- ☐ Bank signature card and authorization forms for all of the applicant's operating, investment or any other business accounts (*e.g. saving and checking accounts*)
- ☐ Authorization for examination and release of information for NIL only
- ☐ Personal/Criminal History Statement(s) for NIL only
- ☐ Two fingerprint cards for each individual or each individual of the entity loaning the money

Premises Information Checklist

- ☐ Floor plan (*including business name, liquor license number, physical address, outer dimensions, seating, service bar, liquor storage etc.*) Do not send in the original blue prints, only a copy of the floor plan.
- ☐ Zoning documents
- ☐ Certified Survey Affidavit (*required for new license and transfer of location even if the license was previously licensed*)
- ☐ Concession Agreement (*if applicable*)



GUIDE TO THE ALCOHOLIC BEVERAGES – GAMBLING OPERATOR COMBINED ON-PREMISES LICENSE APPLICATION

For the purposes of this application, **Gambling Control Division** is referred to as **GCD**
and **Liquor Control Division** is referred to as **LCD**.

Apply online!

<https://revenue.mt.gov/apply-electronically>

Our websites:

www.dojmt.gov/gaming

www.revenue.mt.gov/home/liquor

APPLICATION TABLE OF CONTENTS	APPLICATION PAGE
SECTION I PURPOSE & FEES	1
SECTION II GENERAL INFORMATION	2
SECTION III OWNERSHIP & MANAGEMENT INFORMATION	3
SECTION IV FINANCIAL INFORMATION	4 – 8
SECTION V PREMISES INFORMATION	9 – 10
SECTION VI ALCOHOLIC BEVERAGES LICENSE INFORMATION	10
SECTION VII ALCOHOLIC BEVERAGES TEMPORARY OPERATING AUTHORITY	11
SECTION VIII DECLARATION & AUTHORIZATION	12
SECTION IX CHECKLISTS	13 – 14

Notice to Applicant

The information in this guide is meant to assist you in completing the Alcoholic Beverages – Gambling Operator Combined On-Premises License Application. If you do not complete the entire application, it will be delayed, denied or returned. The information in this guide is not a substitute for a careful examination of the alcoholic beverage/gambling laws, rules and the rights or obligations arising out of applying for alcoholic beverages/gambling licensure, or for seeking, where individual circumstances warrant, the independent advice of a professional, such as an accountant or attorney.

Once the application is completed, send the original application and all required documents to:

***Gambling Control Division
2550 Prospect Ave
P.O. Box 201424
Helena, MT 59620-1424***

Phone (406) 444-1971
Fax (406) 444-9157

Processing an application generally takes three to four months based upon GCD and LCD determination of receipt of a complete application and if no deficiencies or protests are received. You will be notified by GCD upon receipt of your application and given a contact name. It is important to understand that supplying the information requested does not guarantee approval of the license application. Until a determination has been made, any expenses you may incur prior to receiving approval of your license application should be considered at your own risk. You will be notified when a decision regarding the application has been made.

If you are applying for an alcoholic beverages license it is the applicant's responsibility to determine if federal laws may require the applicant to obtain a permit from a federal agency. For further information contact:

Alcohol and Tobacco Tax and Trade Bureau

<http://www.ttb.gov/>

(866) 240-0835

Why the Combined Application?

Many of the requirements for alcoholic beverages and gambling licenses are very similar, and an alcoholic beverages license is a prerequisite to obtain some forms of gambling permits. GCD conducts the initial investigation of both alcoholic beverages and gambling licenses. Even though only a single application is submitted, the final decision to approve or deny the license application is made by LCD for alcoholic beverages licenses and GCD for gambling licenses.

What if I only want an alcoholic beverages license?

The combined application is designed so it can be used for a combined alcoholic beverages/gambling operator license application or independent licenses. There are check boxes for sections that do not apply to all licenses.

Who do I talk to about my application?

During the time your application is being processed, **all questions should be directed to GCD.** After an initial review of your application, you will be contacted by GCD and informed if additional information is needed or if the application is complete enough to continue processing. At this time you will also be provided with the contact name of the person in GCD assisting you. If for some reason you do not have the name of a contact for the application, call GCD at (406) 444-1971.

Fingerprint Cards

Two properly completed fingerprint cards for every required person must be completed and returned with the application. The individual can take the cards to a local law enforcement agency or to the Montana Department of Justice Division of Criminal Investigation for fingerprinting. Please note that some law enforcement agencies charge a fee for this service. This fee is separate from the processing fee that is required from GCD. Enclose the fingerprint cards and attach a check payable to GCD. If you have any questions, please contact the Gambling Control Division, Licensing Section.

There are two **SHORTER** application forms available for licensees that are making certain changes.

Combined Short Form (Form 37) may be used when:

1. There is a change among existing shareholders, LLC/LLP members, or partners who already hold 10% or greater ownership interest.
2. Increasing or decreasing shares owned by a shareholder who already holds a 10% or greater ownership interest.
3. There is a divorce and one of the owners no longer has an ownership interest and has to be removed.
4. There is a death of the licensee or shareholder, LLC/LLP member, or partner and an appointment of a personal representative of the estate.
5. Gifting of an ownership interest to an existing owner who already holds 10% or greater ownership interest.
6. There is a foreclosure and the party foreclosing has had no change in ownership since last licensed, is the licensee's immediate predecessor, is suitable for licensure, all applicable permit fees are paid, notified the department of the foreclosure at the time the foreclosure is executed and is within five working days of execution and the foreclosure takes place within two years following the sale.

Combined Short Form (Form 39) may be used when:

1. There is a change in the type of business entity, for example sole proprietor to a corporation.
2. There is a change in ownership parties, but no other changes to the licensee or licensed entity are made.
3. There is a transfer of a license from one location to another, but no other changes to the licensee or licensed entity are made.

Section I

PURPOSE & FEES

(Page 1 of Application)

Which fees do I have to pay?

While there are a variety of fees, you will likely only pay one fee for the appropriate alcoholic beverages license, one alcoholic beverages' processing fee and one processing fee for a gambling license. Catering endorsement, wine amendment, fingerprint and secured party fees may be required in addition to other fees.

The processing fees for alcoholic beverages and gambling licenses are collected in different ways. The alcoholic beverages license processing fee is a flat fee, but the fee for a gambling license is the actual processing cost for the application. Gambling collects an initial fee with the application, then collects any additional processing fees prior to any license and permit being issued, if any. If the fee is more than the actual cost of processing, the balance is refunded to you.

How do I calculate how much I will pay?

Complete Section I by checking the appropriate boxes relating to your application. Subsections 1- 5 of Page 1 have associated fees. Mark the checkboxes according to your application type. Write the appropriate fees in in the "Enter Amount Due" column. Once all subsections are complete, add the numbers in the "Enter Amount Due" for the total and enter that amount in the appropriate field.

How much do new all-beverages licenses cost? (This includes nationally recognized Fraternal Organizations)

For establishments located at least five miles outside of incorporated cities and towns \$400

For establishments located within five miles of an incorporated city/town:

- | | |
|------------------------------------|-------|
| a) of less than 2,000 population | \$400 |
| b) population between 2,000-5,000 | \$500 |
| c) population between 5,001-10,000 | \$650 |
| d) population of more than 10,000 | \$800 |

Nationally Chartered Veterans Organization \$250 - \$650, depending on population and is assessed at \$150 less than the above fees.

Original Resort License \$20,000 one-time fee

What if I am unsure of the exact type of new alcoholic beverages license that I need and license fees?

Call the Department of Revenue at (866) 859-2254 to find out about the availability of licenses in your area and the appropriate license for your plans.

Section II

GENERAL INFORMATION

(Page 2 of Application)

What is the difference between a business name and an entity name?

The “business name” is the “DBA” (doing-business-as assumed business name as it is filed with the Secretary of State) or name you call your business. Your business name is also the name that normally appears on the sign advertising your establishment. The entity name represents the legal holder of the license (e.g., corporation name, individual’s name, partnership name, etc.).

What address should I use?

The address is the physical address where the business is located. For the premise, list the actual street address for the business and for the mailing address, list where you want the mail from both GCD and LCD to be sent.

Federal Employer Identification Number?

You must provide verification from the IRS of your FEIN. If this is not provided, the application will not be processed.

Section III

OWNERSHIP & MANAGEMENT INFORMATION

(Page 3 of Application)

Who would be considered a manager?

A person employed or authorized by the licensee to manage the liquor and gambling operations. A hired manager who is not part of the corporate structure or ownership of the license is required to submit a management agreement, as described in Administrative Rules of Montana 42.12.132.

If I am the sole proprietor, shareholder, member, partner, etc. Do I need to be reported as the manager and still file a management agreement?

If you are a sole proprietor, you do not need to submit a management agreement. If an entity will own the license, you will not need to file a management agreement if your organizational documents designate you as a manager of the licensed operation.

What will this information be used for?

This is to ensure all ownership interests are correctly reported to the divisions. This will help the GCD and LCD determine if all ownership interests and liabilities have been reported to us about your business. It also allows us to know who is authorized to sign documents for the business.

Section IV

FINANCIAL INFORMATION

(Page 4 – 8 of Application)

Can I own more than one liquor license?

A person may not be issued more than three all-beverages licenses, with the exception of a secured party issued an additional all-beverages license as the result of a default. A secured party must transfer ownership of any additional all-beverages license within 180 days of issuance.

What is a financial or ownership interest?

You have a financial or ownership interest in a business if you share in the profits, losses and liabilities of the business. This includes co-borrowers on business-related applicant loans, persons whose assets are cross collateralized with those of the applicant (they let the applicant use their assets to secure a loan and lose those assets if the applicant defaults), persons who may be found in default under an obligation if the applicant defaults under a related agreement and vice versa (cross defaults). It also includes franchise fee recipients or any other person with an interest in a percentage of the applicant's sales or income. This is not an all-inclusive list. *(This does not include gambling machine route operators who by statute may receive a percentage of gross video gambling machine income or a fixed fee for leasing machines to the gambling operator.)*

What is a NIL form (Form 13) and why do I need one?

A Non-institutional Loan (NIL) form (Form 13) is used to report loans from someone other than a state or federally-regulated financial institution. It is also used to report deferred payment agreements, gifts, or the transfer of a security interest. *(e.g., a relative wants to lend money to a licensee that owns the license.)*

Why do I have to report funds that I loaned to the licensed business when I am a shareholder, member, partner?

GCD and LCD are careful to examine all liabilities/sources of funding of the licensee in order to safeguard the integrity of the alcoholic beverages and/or gambling licenses.

What does "Gifting" mean?

"Gifting" is defined as a licensee receiving funds from a non-institutional source of financing who does not require those funds to be repaid, and does not expect anything of value in return. The non-institutional source of financing must also provide a signed "Gifting Statement" declaring the above agreement.

Section V

PREMISES INFORMATION

(Page 9 of Application)

What are the general restrictions on premises?

Generally speaking, the premises needs to have permanently installed walls extending from floor to ceiling, an address unique to the establishment, and a public external entrance that is not shared with another premises for which a gambling operator license has been issued, and may not be within 150 feet of another gambling establishment owned by a related party, or within 600 feet of a place of worship or school. If applying for a new license or a transfer of location of an existing license, a certified survey affidavit from the city surveyor or private land surveyor attesting to the suitability of the proposed premises also needs to be included with the application documents.

Section VI

ALCOHOLIC BEVERAGES LICENSE INFORMATION

(Page 10 of Application)

What is the difference between a beer license with wine amendment, and a restaurant beer/wine license (RBW)?

A **beer license with wine amendment** does not have the food, service and hours requirement that a restaurant beer and wine license does. This license must meet the standards for an establishment operated **either** as a prepared food business **or** a restaurant.

An **RBW** is a license created specifically for a restaurant business. There are several restrictions that do not apply to a regular beer license, such as an RBW cannot have gambling, there can be no sales of alcohol for off-premise consumption, alcohol can only be sold to patrons who order food, the hours of operation are restricted to 11:00 am to 11:00 pm, it must be open at least four nights a week for two hours each between 5:00 pm and 11:00 pm, and the majority of food sold is not in throw-away containers that are not reused in the restaurant.

How can my restaurant qualify for a wine amendment?

If you currently hold an on-premises consumption beer license, you will need to document how the sale of wine for on-premises consumption would be supplementary to a restaurant or prepared-food business. You will also need to have seating for 12 customers at tables and/or booths.

What can I do with a catering endorsement?

A catering endorsement allows a licensee to sell alcoholic beverages to persons attending a special event at a location that is not otherwise licensed for on-premises consumption. The licensee may not cater an event at which the licensee is the sponsor. The catered event must be within 100 miles of the licensee's regular place of business.

Section VII

ALCOHOLIC BEVERAGES TEMPORARY OPERATING AUTHORITY

(Page 11 of Application)

What is temporary operating authority (TOA)?

TOA allows an applicant to operate the proposed business while the alcoholic beverages license application is being processed. TOA may only be issued to an applicant who requests a transfer of ownership. The granting of TOA does not guarantee LCD will approve the application. TOA does not mean the current licensee is absolved from any liability of the liquor operation. If the applicant violates any portion of the Montana Code Annotated or department rule, TOA will be revoked. Any proposed fine, suspension or revocation arising out of a violation will be assessed against, and is the responsibility of, the recorded owner of the license.

There is no temporary authority for a gambling operator license. If the establishment is currently licensed for gambling, all gambling needs to cease once TOA is issued to the applicant, until GCD has received, processed and is ready to approve a gambling operator license to the applicant. Final approval of a gambling license can be granted while the applicant is still on TOA issued by LCD.

Section VIII

DECLARATION & AUTHORIZATION

(Page 12 of Application)

Who can sign?

Depending on how you are applying (i.e., individual, corporation, partnership, LLC, LLP, or nonprofit), the person(s) listed under Section III, "List all owners, partners, members..." are considered authorized representatives and need to sign the application.

What is conditional approval?

Conditional approval means the investigation has been completed and the applicant and the proposed location for the premises meet all requirements for licensing, but there are outstanding issues preventing final approval of the application (usually the issue is that the premises are not ready for occupancy). The conditional approval letter is sent by LCD and gives the applicant a timeframe, in which the situation must be resolved, or the premises must be done, a final inspection completed, and approval of health, building and fire code officials are obtained.

Conditional approval does not constitute the issuance of a license.

Section IX

CHECKLISTS

(Page 13 – 14 of Application)

Checklists are designed to help ensure that required documentation is included with your initial application. Submitting a complete application will assist in the timely processing of your application.